

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

VIRGINIA MASON MEDICAL CENTER

Employer

and

Case 19-RC-14016

UNITED STAFF NURSES UNION,  
UNITED FOOD & COMMERCIAL WORKERS  
UNION, LOCAL 141, Chartered by UNITED  
FOOD & COMMERCIAL WORKERS  
INTERNATIONAL UNION, AFL-CIO, CLC

Petitioner

**SUPPLEMENTAL DECISION ON CHALLENGED BALLOTS  
AND CERTIFICATION OF REPRESENTATIVE**

Pursuant to a Decision and Direction of Election issued on October 19, 2000, an election by secret ballot was conducted on November 17, 2000, in the following unit of employees:

All registered nurses and all other professional employees employed by the Employer at its Winslow (Bainbridge Island) facility; but excluding all physicians, all nonprofessional employees, and guards and supervisors as defined by the Act.

The Tally of Ballots served upon the parties at the conclusion of the ballot count set forth the following results:

Approximate number of eligible voters .....	18
Void ballots.....	0
Votes cast for Petitioner.....	9
Votes cast against participating labor organization .....	7
Valid votes counted.....	16
Challenged ballots.....	2
Valid votes counted plus challenged ballots .....	18

The challenged ballots were sufficient in number to affect the results of the election. No objections to conduct affecting the results of the election were filed.

Pursuant to Section 102.69 of the Board's Rules and Regulations, Series 8, as amended, the undersigned Regional Director caused an investigation to be made of the challenged ballots.

The ballots of Angela Cudone-Sheridan and Margoanne Hunter were challenged by the Petitioner on the basis that they are not in the stipulated unit. The Unit placement of Cudone-Sheridan and Hunter

was litigated in the pre-election hearing, and they were found not to be included in the Unit. I must concede that my conclusions regarding exclusion of Cudone-Sheridan and Hunter could have been more precisely worded, nevertheless it was, let it be clear, my intent to exclude them, and a fair reading of the entire decision demonstrates that intent and conclusion. More importantly, the Employer read my decision that same way, since it filed a Request for Review stating that "The Regional Director erred in failing to include the dietician [Cudone-Sheridan] and computer applications specialist [Hunter] in the Unit." "The Regional Director's exclusion of these two employees from the unit is erroneous." See Employer's Request for Review, p. 27. On November 14, 2000, the Board denied the Employer's Request for Review in its entirety. The status of Cudone-Sheridan and Hunter was therefore resolved pre-election, and cannot be re-litigated in a post-election proceeding. They are excluded from the Unit.

Therefore, the challenges to the ballots of Angela Cudone-Sheridan and Margoanne Hunter are hereby sustained.

### **CERTIFICATION OF REPRESENTATIVE**

Pursuant to authority vested in the undersigned by the National Labor Relations Board,

**IT IS HEREBY CERTIFIED** that a majority of the valid ballots have been cast for United Staff Nurses Union, United Food & Commercial Workers Union, Local 141, Chartered by United Food & Commercial Workers International Union, AFL-CIO, CLC, and that such labor organization is the exclusive bargaining representative of all employees in the following appropriate unit:

All registered nurses and all other professional employees employed by the Employer at its Winslow (Bainbridge Island) facility; but excluding all physicians, all nonprofessional employees, and guards and supervisors as defined by the Act.

**DATED** at Seattle, Washington, this 6th day of December, 2000.<sup>1</sup>

/s/ PAUL EGGERT

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Paul Eggert, Regional Director  
National Labor Relations Board, Region 19  
2948 Jackson Federal Building  
915 Second Avenue  
Seattle, Washington 98174

393-6081-4067

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<sup>1</sup> Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 - 14th Street N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by December 20, 2000.